



CITY OF ATLANTA


DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0
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CHARLETTA WILSON JACKS
Director, Bureau of Planning

KASIM REED
MAYOR

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: **Z-14-26 for Text Amendment for Electric Vehicles**

DATE: October 2, 2014

AN ORDINANCE BY ZONING COMMITTEE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA GEORGIA FOR THE PURPOSE OF DEFINING CERTAIN TERMS RELATING THE CHARGING OF ELECTRIC VEHICLES AND ALTERNATIVE FUEL STATIONS; SETTING FORTH REGULATIONS CONCERNING THE INSTALLATION AND USE OF CHARGING STATIONS FOR ELECTRIC VEHICLES; AND FOR OTHER PURPOSES.

This legislation is still circulating through the NPUs in order to receive their feedback.

STAFF RECOMMENDATION: 30 DAY DEFERRAL-NOVEMBER 2014



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KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator

SUBJECT: Z-14-44 for a Text Amendment to the Sign Ordinance for Signs Inside Buildings

DATE: October 9, 2014

An ordinance by Councilmember Howard Shook to amend the Code of Ordinances of the City of Atlanta regarding signs inside of buildings by amending Section 16-28A.008(2); adding new general regulations to be codified at Section 16-28A.007(Q) (“General Regulations”); amending sign regulations for museums in SPI-1; and for other purposes.

FINDINGS OF FACT:

Currently, the zoning ordinance stipulates the type, number, and area of signs permitted within the City in Section 16-28A. However, there are currently little to no regulations associated with commercial signs displayed inside buildings. Therefore, this ordinance seeks to clarify which signs inside buildings are not regulated by the sign ordinance and which are. Those regulated by the sign ordinance shall comply with the requirements applicable to similar signs located outside of the building and shall require a building permit. In addition the text amendment places restrictions on general advertising signs inside buildings and defines museums for purposes of allowing museum signature signs.

PROPOSAL:

The proposed text amendment to the sign regulations proposes to:

- 1) Clarify the requirements for signs located inside a building establishing criteria to determine when such signs do not require a building permit. Signs exempt from a building permit include:

- a. Signs no greater than a certain size and/or coverage of not more than 30% of a window or door;
 - b. Signs in an enclosed space on a roof or rising above the level of a roof;
 - c. Displays of merchandise in the original packaging and for sale in the occupied retail space;
 - d. Window coverings for shielding interior construction activity or a vacant tenant space unless having commercial messages except for future business at the site or real estate signs which are allowed for each 400 feet of street frontage and regulated by size in each corresponding zoning district.
- 2) Prohibit general advertising signs inside a building unless located in a zoning district that allows general advertising signs. Also establishes criteria to determine when a sign inside of a building functions as a general advertising sign.
- 3) Clarify the definition of Museum upon which Museum Signature Signs are permitted and allows enclosed display windows constructed as part of the design of museums to be visible from the public right-of-way

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The comprehensive development plan does not address issues directly relative to signage. Therefore, Staff notes that it is not applicable.

(2) Availability of and effect of public facilities and services; referral to other agencies: This legislation does not propose any development or intend to rezone any property rather only provide for regulation regarding signs inside windows. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.

(3) Availability of other land suitable for proposed use; effect on balance of land uses with regard to the public need (optional consideration as per 16-27.004(3)): This legislation does not propose any development rather only a text amendment regarding window signs. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.

(4) Effect on character of the neighborhood: Staff is of the opinion that the proposed text amendments would improve the character of the neighborhoods of the City by reducing commercial visual clutter and the related improvement of the neighborhood aesthetics.

(5) Suitability of proposed land use: There would be no change in land use pertaining to the proposed text amendment. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.

(6) Effect on adjacent property: This text amendment provides reasonable requirements to determine when signs inside buildings require a building permit and compliance with signage requirements that would otherwise be applicable to signage located outside of the building. Since no development project is being proposed there is no discernable negative effect on adjacent properties. In fact, it is likely the adjacent properties benefit with the expected reduction of visual clutter brought by the restrictions on signs inside buildings.

- (7) **Economic use of current zoning:** Since no rezoning or development projects are being proposed as part of these text amendments these considerations are not applicable.
- (8) **Tree Preservation:** Since no development projects are being proposed as part of these text amendments these considerations are not applicable.
- (9) **Other Considerations:** Staff is in support of these text amendments in that they are believed to reasonably regulate the size, number, and type of signs located inside of buildings, which exceed the threshold criteria, in a manner similar to signage located outside of buildings. The regulation of such signage will lead to a reduction in the sign clutter and increase public safety, whereas unregulated use of electronic technology emitting changing and illuminated signage poses a visual distraction on city streets.

STAFF RECOMMENDATION: APPROVAL



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M. KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-49 for a Text Amendment to the Sign Ordinance for the West End/Lee Street Overlay Sign District

DATE: October 2, 2014

An ordinance by Council members Cleta Winslow and Joyce Sheperd to amend Chapter 28A (Sign Ordinance) of the 1982 Zoning Ordinance of the City of Atlanta, as amended, so as to create a new Section 16-28A.010(53) entitled “West End/Lee Street Overlay Sign District”; to define and regulate the time, place and manner in which window signs shall be permitted in the district; to amend the official zoning map to define the boundaries of the district; and for other purposes.

FINDINGS OF FACT:

Currently, the zoning ordinance stipulates the type, number, and area of signs permitted within the City in Section 16-28A of the Sign Ordinance. However, there are currently little to no regulations associated with commercial signs displayed within windows. Therefore, this ordinance seeks to define and regulate such window signs and provide for existing non-conforming window signs to be discontinued within a reasonable time based upon sign cost.

PROPOSAL:

The text amendment to the sign regulations would create a new Section (53) in the sign ordinance establishing an overlay *Sign District* for West End community and the Lee Street corridor. The overlay Sign District would apply to properties identified on the map in the West End SPI-21 Special Public Interest zoning district and along Lee Street between West End Avenue (to the north) and Campbellton Road (to the south).

The signage regulations are intended to minimize the visual clutter created by window signs on commercially zoned or used properties which can be distracting to drivers and may create unsafe conditions. The visual clutter also detracts from the aesthetics of the built environment.

The legislation would regulate business identification signs within the overlay *Sign District* by:

- 1) Adding a definition for an incidental sign: an information sign that has a purpose secondary to the use of the lot on which it is located. Signage that contains information or a directive such as “no parking”, “loading only”, “entrance”. The sign contains no commercial message.
- 2) Adding a definition for a window sign: any sign, other than incidental sign, that is placed on, affixed to, painted on or located either on the exterior of a window or within the casement or sill area of window or within three (3) feet therein and is visible from the exterior of the structure; but not including lawful display of merchandise in its original packaging.
- 3) Adding requirements for the type, number, area and removal of window signs:
 - a. Not more than two (2) window signs allowed per establishment. Each sign limited to four (4) square feet in area. The sign shall not cover more than 25% of the window pane in which it is placed. Only one window sign may be illuminated. They are not counted towards the total wall sign square footage allowed.
 - b. Any window signs existing prior to adoption of this text amendment shall be removed within a reasonable time (to allow the owner to recoup the cost of the sign) as follows:
 - i. Removal within 30 days: for signs with a cost of less than \$100;
 - ii. Removal within 120 days: for signs costing between \$100 and \$5000;
 - iii. Removal within one year: for signs costing more than \$5000.
- 4) Relation to other sign controls: All signs within the district, other than window signs shall be regulated based on the underlying zoning of the property and the corresponding sign regulations.

CONCLUSIONS:

- (1) **Compatibility with comprehensive development plan (CDP); timing of development:**
The comprehensive development plan does not address issues directly relative to signage. Therefore, Staff notes that it is not applicable.
- (2) **Availability of and effect of public facilities and services; referral to other agencies:** This legislation does not propose any development or intend to rezone any property rather only provide for regulation regarding window signs. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.
- (3) **Availability of other land suitable for proposed use; effect on balance of land uses with regard to the public need (optional consideration as per 16-27.004(3)):** This legislation does not propose any development rather only a text amendment regarding window signs. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.

- (4) **Effect on character of the neighborhood:** Staff is of the opinion that the proposed text amendments would improve the character of the neighborhoods of the City by reducing commercial visual clutter and the related improvement of the neighborhood aesthetics.
- (5) **Suitability of proposed land use:** There would be no change in land use pertaining to the proposed text amendment. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.
- (6) **Effect on adjacent property:** Since this text amendment provides reasonable and uniform window signage requirements and since no development project is being proposed there is no discernible negative effect on adjacent properties. In fact, it is likely the adjacent properties benefit with the expected reduction of visual clutter brought by the number size and type of such window signs.
- (7) **Economic use of current zoning:** Since no rezoning or development projects are being proposed as part of these text amendments these considerations are not applicable.
- (8) **Tree Preservation:** Since no development projects are being proposed as part of these text amendments these considerations are not applicable.
- (9) **Other Considerations:** Staff is in support of these text amendments in that they are believed to reasonably provide regulations associated with window signs in their type, number, area and size as well as providing reasonable provisions for existing non-conforming window signs to be discontinued within a reasonable time frame.

STAFF RECOMMENDATION: APPROVAL



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CHARLETTA WILSON JACKS
Director, Office of Planning

M. KASIM REED
MAYOR

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator

SUBJECT: **Z-14-50 for a Text Amendment to the Sign Ordinance the NC-6 Cascade Heights Neighborhood Commercial District**

DATE: October 2, 2014

An ordinance by Council members Keisha Lance Bottoms, C.T. Martin, and Andre Dickens to **amend Chapter 28A (Sign Ordinance) of the 1982 Zoning Ordinance of the City of Atlanta, as amended, so as to amend Section 16-28A.010(36)(c) governing signs within the NC-6 Cascade Heights Neighborhood Commercial District; and for other purposes.**

FINDINGS OF FACT:

Currently, the signage regulations in Chapter 28A of the sign ordinance pertaining NC-6 Cascade Heights Neighborhood Commercial District regulate the type, number, and area of signs, including window signs that are permitted on properties. This ordinance seeks to refine those requirements to clarify terms and modify the requirements for the removal of existing non-conforming window signs within a reasonable time based upon sign cost.

PROPOSAL:

The legislation proposes to amend Section 16-28A.010(36)(c) of the Sign Ordinance of City of Atlanta governing signage for properties located in the NC-6 Cascade Heights Neighborhood Commercial District to add the following:

- 1) Add a definition for an incidental sign: an information sign that has a purpose secondary to the use of the lot on which it is located. Signage that contains information or a directive such as “no parking”, “loading only”, “entrance”. The sign contains no commercial message.

- 2) Add a definition for a window sign: any sign, other than incidental sign, that is placed on, affixed to, painted on or located either on the exterior of a window or within the casement or sill area of window or within three (3) feet therein and is visible from the exterior of the structure; but not including lawful display of merchandise in its original packaging.
- 3) Add requirements for the type, number, area and removal of window signs:
 - a. Not more than two (2) window signs allowed per establishment. Each sign limited to four (4) square feet in area. The sign shall not cover more than 25% of the window pane in which it is placed. Only one window sign may be illuminated. They are not counted towards the total wall sign square footage allowed.
 - b. Any window signs existing prior to adoption of this text amendment shall be removed within a reasonable time (to allow the owner to recoup the cost of the sign) as follows:
 - i. Removal within 30 days: for signs with a cost of less than \$100;
 - ii. Removal within 120 days: for signs costing between \$100 and \$5000;
 - iii. Removal within one year: for signs costing more than \$5000.

CONCLUSIONS:

- (1) Compatibility with comprehensive development plan (CDP); timing of development:
The comprehensive development plan does not address issues directly relative to signage. Therefore, Staff notes that it is not applicable.
- (2) Availability of and effect of public facilities and services; referral to other agencies: This legislation does not propose any development or intend to rezone any property rather only provide for regulation regarding window signs. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.
- (3) Availability of other land suitable for proposed use; effect on balance of land uses with regard to the public need (optional consideration as per 16-27.004(3)): This legislation does not propose any development rather only a text amendment regarding window signs. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.
- (4) Effect on character of the neighborhood: Staff is of the opinion that the proposed text amendments would improve the character of the neighborhoods of the City by reducing commercial visual clutter and the related improvement of the neighborhood aesthetics.
- (5) Suitability of proposed land use: There would be no change in land use pertaining to the proposed text amendment. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.
- (6) Effect on adjacent property: Since this text amendment provides reasonable and uniform window signage requirements and since no development project is being proposed there is no discernible negative effect on adjacent properties. In fact, it is likely the adjacent properties benefit with the expected reduction of visual clutter brought by the number size and type of such window signs.

- (7) **Economic use of current zoning:** Since no rezoning or development projects are being proposed as part of these text amendments these considerations are not applicable.
- (8) **Tree Preservation:** Since no development projects are being proposed as part of these text amendments these considerations are not applicable.
- (9) **Other Considerations:** Staff is in support of these text amendments in that they are believed to reasonably provide regulations associated with window signs in their type, number, area and size as well as providing reasonable provisions for existing non-conforming window signs to be discontinued within a reasonable time frame.

STAFF RECOMMENDATION: APPROVAL



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-52 for 606 Flat Shoals Avenue, N.E.

DATE: October 2, 2014

The applicant seeks to rezone property from **R-4 (Single Family Residential)** district to **R-4A (Single Family Residential)**.

FINDINGS OF FACT:

- property location: The subject property fronts 133.3 feet on the east side of Flat Shoals avenue approximately two hundred ten feet on the southeast corner of Newton in the East Atlanta neighborhood of NPU-W, Council District 5.
- property size and physical features: The subject property consists of 8,058 square feet of area, which was previously use as a personal care home.
- CDP land use map designation: Single Family Residential.
- current/past use of property: The property has always been developed for single family residential purposes.
- surrounding zoning/land uses: The subject property is surrounded by property zoned R-4 with a Single Family Residential land use.
- transportation system: Flat Shoals Avenue S.E. is a minor arterials street. Newton is a local residential street. Sidewalks are present along Flat Shoals Avenue and in the area. MARTA bus routes are found along Flat Shoals Avenue S.E. and about 8.2 miles from I-20 west.

PROPOSAL

The applicant requests the rezoning of the existing property at 606 Flat Shoals Ave. S.E. from R-4 to R-4A, in order to allow for subdivision of the property into three (3) conforming R4-A lots fronting Newton Avenue S.E. and subsequent construction of three (3) single family residences on the newly created lots.

Should the rezoning be approved the applicant would then file a land subdivision application to subdivide the property into three lots. Approval of the rezoning does not indicate approval of the subdivision.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The comprehensive development plan designates the subject tract as single family residential. No amendment to the 15 Year Land Use Map is required.

There are no public projects or programs with which the timing of the project would conflict.

(2) Availability of and effect of public facilities and services; referral to other agencies:

It would appear there are adequate public facilities and services for the development of the property.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:

The zoning regulations indicate that this consideration is optional. The applicant has not presented any evidence that they own other land in the area that is suitable for this development. The majority of the lots in the area have less than the required frontage for R-4 zoning. The proposed rezoning would create lots similar to what currently exists in the neighborhood and would not have an adverse effect on the environment or create an imbalance of land uses.

(4) Effect on character of the neighborhood: The proposed rezoning would enable the addition of three single family homes on the lot. A review of the proposed plan of the new lots indicates they would have frontages similar to those found in the majority of the area, with total net square footages of 24,011 for the new proposed subdivided lots.

- (5) **Suitability of proposed land use:** No change in the 15-year land use map is required.
- (6) **Effect on adjacent property:** The proposed rezoning would have a positive effect on adjacent properties by reinforcing the established development pattern on the street should the subdivision of the property be approved.
- (7) **Economic use of current zoning:** The subject property has economic value as currently zoned but would have more economic use if rezoned and then subdivided to allow additional single family dwellings.
- (8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.
- (9) **Other Considerations:** Staff review finds a significant number of the lots in the area have less than the required 70 feet of street frontage for R-4 which the current property and surrounding areas are zoned. Most of the lots in the surrounding area maintain frontages more in line with the R4A zoning district. Subsequently, this requested zoning district would comply with the current character of the neighborhood.

STAFF RECOMMENDATION: APPROVAL



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KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director

SUBJECT: Z-14-53 for 64 Mangum Street, S.W., 356 Mitchell Street, S.W., 376 Mitchell Street, S.W. and Parcels 14-0084-0004-0196, 14-0084-0004-0832, 14-0084-0004-0084, 14-0084-0004-0550, 14-0084-0004-0725 and 14-0084-0004-0766

DATE: October 9, 2014

An Ordinance to rezone from the MRC-3-C (Mixed Residential Commercial - Conditional) District to the MRC-3-C (Mixed Residential Commercial - Conditional) District for purposes of a change in conditions.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 157.60 feet on the south side of Mitchell Street at the southwest corner of Centennial Olympic Boulevard. The property is located in the Castleberry Hill Neighborhood of NPU M Council District 3.
- property size and physical features: The subject property consists of 2.35 acres and is undeveloped. The topography is generally level throughout the site, which is grassed with a few mature trees located along the southern property line.
- CDP land use map designation: Mixed Use.
- current/past use of property: The subject site is currently undeveloped and Staff is unaware of any previous uses.
- surrounding zoning/land uses: The subject property is surrounded by properties with a variety of zoning categories to include: MRC-3-C (Mixed Residential and Commercial – Conditional) to the west, north and south and MRC-2-C (Mixed Residential and Commercial – Conditional) to the east. The Georgia Dome, World Congress Center, and Phillips Arena are located approximately one half mile north. Bordering the southern property line of the subject site is the Castleberry Hill Landmark District.

- transportation system: Mangum Street is a local street. To the north of the subject site, Mitchell Street is an east/west collector street and Centennial Olympic Park Drive is a north/south arterial road. Numerous MARTA bus routes serve the area, and several Marta Rail stations are located in the vicinity of the subject site. Sidewalks are present along Centennial Olympic Park Drive, as well as on the majority of the streets in the immediate area.

PROPOSAL

The applicant proposes to eliminate the conditions as approved per Z-07-74 and Z-06-43 and construct a mixed use development that will consist of 167,000 square feet of residential, 190,500 of hotel and 31,400 square feet of commercial. A 5-story parking deck will be located in the center of the complex, and will feature an amenity deck on the top level. The applicant's proposed development standards are as follows:

Required variances/special exceptions: The proposed project must comply with the zoning requirements for the MRC-3-C(Mixed Residential and Commercial - Conditional) district.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The proposed change of conditions does not impact the current land use designation of Mixed Use. Therefore, a CDP amendment is not required.

(2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been an established mixed use (residential and commercial) corridor, water and sewage facilities serving the property are assumed to be adequate. However, the capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. At the time, tie-in to specific sewer lines would be determined, as well as any necessary improvements to that part of the sewer line that would lie within boundaries of the development site.

There has been no indication from reviewing agencies and departments that there would not be adequate public facilities and services at the subject location.

(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:

Staff is of the opinion that the request to rezone the subject property for a change in zoning conditions would not create any issues that would negatively affect the balance of land uses in the area.

(4) Effect on character of the neighborhood: The proposed development would have a positive effect on the surrounding neighborhood by redeveloping a large vacant parcel in close proximity to the downtown area, resulting in the creation of a large-scale mixed use project which will bring substantial numbers of both new residents and retail opportunities to

the area. Additionally, the project would further accomplish the goals of the Castleberry Hill Master Plan which promotes commercial and residential development and the following:

- To promote and preserve economic development and a variety of housing opportunities and to encourage an economically and culturally diverse population in Castleberry Hill.
- To attract and support quality service and retail in the neighborhood.
- To reduce crime, drug use and loitering, and maintain an environment in which neighborhoods and visitors feel safe and secure.
- To preserve historic buildings and sites and develop new ones which compliment the old.
- To develop parks, open spaces and convenient pedestrian circulation.
- To provide adequate parking for present and future residents and commercial uses (can be accommodated through shared parking arrangements).

Therefore, Staff is of the opinion that the proposed mixed use development would not change the character of the neighborhood.

- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land uses.
- (6) **Effect on adjacent property:** The development should not have any negative impact on adjacent property as Staff is of the opinion that the proposed development provides an appropriate transition between the lower scale, less dense Castleberry Hill Landmark District to the south and the higher density convention and entertainment district to the north, which is anchored by the Georgia Dome, Phillips Arena, and the World Congress Center.
- (7) **Economic use of current zoning:** Although the subject property has economic use under the current MRC-3-C zoning, the density allowed will not allow development that is economically viable in relation to the subject property's proximity to the downtown area.

STAFF RECOMMENDATION: APPROVAL, conditioned on the following:

1. Site Plan similar to site plan dated August 4, 2014 and marked received by the Office of Planning on August 5, 2015 and elevations similar to the "Castleberry Park – Height Diagram" marked received by the Office of Planning on August 5, 2014. Said plans shall not prohibit the application of the MRC (Mixed Residential Commercial) zoning regulations.



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-
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: U-14-21 for 1621 Marietta Road, NW

DATE: October 9, 2014

The applicant seeks a Special Use Permit (SUP) for a pet cemetery (crematory) for property located at 1621 Marietta Road N.W. Beyond this change of use there are no proposed improvements for the exterior of the existing building or site.

FINDINGS OF FACT:

- **Property location:** The subject site includes a portion of four (4) parcels at the southeast intersection of Marietta Road and Chestnut Place. It is located in land lot 233 of the 17th District, Fulton County, Georgia. It is in the Hills Park neighborhood of NPU-D, Council District 9.
- **Property size and physical features:** The site features a portion of four (4) parcels (subject to a replat effort) of a combined approximate size of 0.373 acres (16,250 square feet) with approximately 200 feet of frontage along Marietta Road and approximately 81 feet along Chestnut Place. The site features a one (1) story brick building at 3,479 square feet located at the street intersection. Adjacent to the building along Chestnut Place is a curbcut leading to a roll-up garage door while east of the building along Chestnut Place is another curb cut leading to small two (2) car parking pad. The remainder of the site appears landscaped with limited trees while a 6' high chain link fence and auto gate surrounds the site.
- **CDP Land Use Plan Designation:** The current land use designation is Industrial for the subject parcels. No CDP land use change would be required for this proposed use.
- **Current/past use of properties:** The parcels at the site contain what is believed to be a maintenance office. Staff is not aware of any previous uses on the site.

- **Surrounding zoning/land uses:** Land uses and zoning for the site and surrounding are consistently Industrial land uses with I-2 zoning. These sites are developed predominately with active rail lines but are interspersed with other uses such as warehouse, storage, distribution, repair and office facilities.
- **Transportation system:** Marietta Road is classified as a collector street which connects to nearby collectors Carroll Drive and Perry Boulevard. Chestnut Street and the limited other streets in the vicinity are classified as local streets. There is a small sidewalk adjacent to the building but otherwise no consistent sidewalks nor MARTA access available near the site.

PROPOSAL:

The applicant proposes a special use permit for a pet cemetery (crematory) to occupy an existing (1) one-story building. Beyond this change of use there are no proposed improvements for the exterior of the existing building or site. Parking would be provided via an existing parking pad and garage both accessed via Chestnut Place.

- a) **Ingress and egress:** The applicant proposes to utilize the existing curbcut and parking pad along Chestnut Place and an internal garage accessible from Chestnut Place. The applicant notes no customers would be expected in that on-site staff would pick-up deceased animals off-site and deliver them back to this facility. Emergency vehicles would have ready access via direct access from either street frontage.
- b) **Off-street parking and loading:** Three (3) existing parking spaces would be provided for employees – two (2) at the parking pad and one (1) via the garage accessible from Chestnut Place. The applicant notes no public customers would access the facility and any deliveries would be handled along Chestnut Place; although no loading spaces are required by code.
- c) **Refuse and service areas:** The applicant notes an on-site lidded dumpster located behind the parking pad would be picked up twice weekly.
- d) **Buffering and screening:** The applicant has indicated that no buffering or screening is necessary in that the cremation process would be within the building and not be visible outside nor does it create noise or lighting issues.
- e) **Hours and manner of operation:** Recently deceased small household pets such as dogs, cats, rabbits and birds would be picked up from local veterinary offices by the one (1) to two (2) employees and delivered back to this facility. Then pet cremation services would be conducted for these animals. Upon cremation the ashes would be returned back to the local veterinary office to be available for remembrance. Applicant notes that this system would virtually eliminate possible spread of any disease. No outside clients would visit this cremation facility nor are any meals or special programs necessary. Stated hours would be Monday-Friday 9am to 6pm except for holidays.
- f) **Duration:** The applicant requests unlimited duration of the special use permit.
- g) **Tree Preservation and replacement:** The property has few trees on-site as well some shrubs concentrated in both the northeast and southwest portion of the site. The applicant has stated that no trees or landscaping would be impacted with this change of use.
- h) **Required yards and open space:** The proposed plan does not propose any new construction; therefore all yards are considered legal as existing. Although Staff notes that the existing front and half-depth front yards are legal nonconforming conditions in that the building was built closer than allowed by current code along both Marietta Road and Chestnut Place. There are no open space requirements to meet in the I-2 category.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The existing driveways and parking areas accessible from Chestnut Place appear adequate for vehicular access and egress to the subject property based on the proposed limited employees and manner of operation.
- b) **Off-street parking and loading:** The on-site parking including three (3) total spaces accessible from Chestnut Place appears to be sufficient. Staff also finds loading reasonable in that although no loading is required by code the applicant has indicated deliveries to be handled via Chestnut Place.
- c) **Refuse and service areas:** The proposed facilities including lidded dumpster at the rear of the existing parking pad appear to be sufficient.
- d) **Buffering and screening:** Staff finds no additional buffering or screening necessary based on the applicants claim that the cremation process would be fully within the building and not be visible outside. Also, no other negative externality, such as noise or fumes, would be expected.
- e) **Hours and manner of operation:** As proposed by the applicant both the hours and manner of operation appear to be reasonable based on the proposed use.
- f) **Duration:** Staff is in support of no limit on the duration of the special use permit.
- g) **Compatibility with policies related to tree preservation:** The applicant has indicated they will not disturb any trees but if so Staff notes they will need to meet all requirements of the City's Tree Ordinance.
- h) **Required yards and open space:** There is no required open space and since no construction is proposed all yards appear to be legal by either meeting zoning code or considered legally non-conforming.
- i) **Other considerations:** The Special Use Permit (SUP) is required to allow the use this building on-site as a pet crematorium. This would consistent with the City policy's to encourage the adaptive reuse of viable existing buildings - especially those within industrial zoning districts.

STAFF RECOMMENDATION: APPROVAL



CITY OF ATLANTA


DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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www.atlantaga.gov

KASIM REED
MAYOR

CHARLETTA WILSON JACKS
Director
Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-13-36 for 961 & 973 DeSoto Street, N.W.

DATE: October 9, 2014 (Deferred from July 10, 2014)

An Ordinance to rezone from the SPI-11 SA6/BL (Special Public Interest District: Vine City and Ashby Station Subarea 6/Beltline Overlay) District to SPI-11 SA8/BL (Special Public Interest District: Vine City and Ashby Station Subarea 8/Beltline Overlay) District for property located at (Single Family Residential) to the R-4A (Single Family Residential) District for property located at 961-973 DESOTO STREET, N.W

The applicant needs additional time to provide Staff with amended documentation.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-NOVEMBER 2014



CITY OF ATLANTA


M. Kasim Reed
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-17 for 1131 and 1137 Glenwood Avenue and 515, 525, 531, and 537 Moreland Avenue, and 1146 and 1152 Portland Avenue, SE

DATE: October 9, 2014 (*deferred from July 10th and August 14, 2014*)

Applicant is seeking to rezone properties 1131 and 1137 Glenwood Avenue and 1146 and 1152 Portland Avenue from the R-4 (single-family) zoning districts and properties 515, 525, 531 and 537 Moreland Avenue from the East Atlanta NC-2 zoning district, to the MRC-2 (Mixed Residential Commercial) district for a mixed-use development. The Beltline Overlay district for these properties remains in place.

Applicant has requested to withdraw the application.

STAFF RECOMMENDATION: FILE



CITY OF ATLANTA

M. KASIM REED
MAYOR


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-
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM *amended*

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Director 

SUBJECT: Z-14-40 for 2860 Piedmont Road, N.E.

DATE: October 2, 2014 (deferred from September 11, 2014)

The applicant requests to rezone from the C-1-C (Community Business-Conditional) District to the C-1-C (Community Business-Conditional) District for a change of conditions, property located at 2860 Piedmont Road, N.E. Note: the site was part of a rezoning to C-1-C in 2005 per Z-05-28.

FINDINGS OF FACT:

- **Property Location:** Beginning 425 feet north of the northwest intersection of Piedmont Road and East Wesley Road the subject property fronts 180 feet along the west side of Piedmont Road to an approximate variable depth of 300 feet. The property is located in Land Lot 60 the 17th District of Fulton County, Georgia in the Garden Hills neighborhood of NPU-B.
- **Property Size and Physical Features:** The subject property consists of 1.24 acres and developed with a two story commercial building of approximately 8,426 s.f. having 24 parking spaces provided to the side and rear of the building. The parking area is accessible via a two-way curbcut and driveway located immediately north of the structure. The rear of the lot is landscaped likely due to a stream in the far southwest corner of the site and its required stream buffer. The property has little topography in the front and central area but slopes southwest toward the stream in the rear with that same area also having evergreen trees located behind the parking.
- **CDP Land Use Map Designation:** The current land use category for the lot is split with Low-Density Commercial in the central and front of portion the site and Open Space for the far west rear of the site. The proposed change of conditions for the C-1-C zoning classification is still an appropriate land use category under this CDP designation.
- **Current/Past Use of Property:** The property is currently developed with a vacant two-story commercial building housing multiple retail tenants including both a home furnishing and jewelry store fronting Piedmont Road. The rear of the site has an accessory parking lot and a wide landscaped area. These uses are those allowed by the current zoning per Z-05-28.

- **Surrounding Zoning/Land Uses:** The subject site is zoned C-1-C with Low-Density Commercial in the central and front of portion the site and C-1-C with Open Space land use designation in the rear. The C-1-C with Low-Density Commercial is consistent with its neighbor to the north; however further north, immediately south and immediately east (across Piedmont Road is zoned RLC or RLC-C with an O-I land use designation along the west side of Piedmont Road and Low-Density Commercial across Piedmont Road to the east. These have a variety of small scale uses including office, medical office, retail, personal services, studios, and single-family and multi-family residential. To the west of the site across the creek is zoned R-4 with Single-Family Residential land use designation having single-family residences fronting along Alpine Road.
- **Transportation System:** Piedmont Road is a state route known as GA-237 classified as an arterial street. East Wesley Road is located 425 feet to the south and is classified as a collector street. All other streets in the immediate vicinity are classified as local streets. Sidewalks are consistently provided along both sides of Piedmont Road but often are intersected by curbcuts. MARTA bus #5 follows along Piedmont Road adjacent to the site connecting the Lindbergh MARTA station to Roswell Road.

PROPOSAL:

An Ordinance by Zoning Committee to rezone from the C-1-C (Commercial Business District- Conditional) to the C-1-C (Commercial Business District- Conditional) for the purpose of a change of zoning conditions. This C-1-C zoning conditions were originally approved per Z-05-28 in 2005; however, these provided use restrictions which the applicant is seeking to modify. The applicant is not seeking to change the site plan or proposing new development. Specifically, the applicant is seeking allowance for office use and a wider variety of other low-density commercial and retail uses within the existing building as well as changing the timeframe for the allowance of such uses.

Development Specifications:

Net Lot Area:	1.246 acres (54,268 s.f.)
Non-residential F.A.R. Allowed:	Previously conditioned per Z-05-28 to 12,960 s.f.
Non-residential F.A.R. Proposed:	8,526 s.f. - no change from existing condition.
Residential F.A.R. Allowed:	Previously conditioned per Z-05-28 to 0.636
Residential F.A.R. Proposed:	None - no change from existing condition.
Building Height Max Allowed:	Transitional Height Plane applicable
Building Height Proposed:	2 stories - no change from existing condition.
Setbacks Required:	Front: 10' Side: (other than Transitional): 0' or 5' Rear Yards (other than Transitional): 0' Transitional Yards: 20'
Setbacks Proposed:	Front: ~15' - no change from existing condition Side: ~30' & ~15' - no change from existing condition Transitional Yards (rear): ~200' - no change from existing condition
Parking Required:	Previously conditioned per Z-05-28 to max 24 spaces
Parking Proposed:	24 spaces

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

Since the proposed development and change of conditions is consistent with the existing low density commercial land use designation, no CDP land use changes are proposed. There are no known public projects or programs with which the timing of the project would conflict. Therefore, Staff notes that it is not applicable.

(2) Availability of and effect of public facilities and services; referral to other agencies:

This legislation does not propose any development or intend to rezone any property rather only change conditions to allow a greater variety of non-residential uses on-site. This would not appear to affect any public facilities and services. Further, the existing use of the site and surrounding uses indicate there are public facilities and services available to the subject property.

(3) Availability of other land suitable for proposed use; environmental effect on balance of

land uses: The zoning regulations indicate that this consideration is optional. In this case, Staff is of the opinion that the proposal to change of conditions regarding uses and allowed dates for such uses would not require the review of other suitable land and that the balance of land uses would not be affected by this proposal.

(4) Effect on character of the neighborhood: The re-use subject site with more opportunities for office, retail and residential uses is expected to contribute to the neighborhood revitalization and keep the character of the neighborhood unharmed. The applicant's plan would maintain the 2005 concept to restrict certain uses allowable on-site. This is not expected to have a negative effect in the character of the neighborhood because the site is located in a low-density mixed use corridor and is otherwise relatively isolated from any particular neighborhood.

(5) Suitability of proposed land use: There would be no change in land use pertaining to any development. Therefore, Staff notes that it is not applicable in regard to the proposed legislation.

(6) Effect on adjacent property: The proposed redevelopment of the site is not expected to negatively impact any adjacent properties in that it is currently developed with similar low density commercial and office uses as proposed. However, Staff is of the opinion that the proposed text amendment would have no adverse impact by allowing the re-use of the existing building for office commercial or residential uses.

(7) Economic use of current zoning: Since no rezoning or development projects are being proposed as part of this change of conditions, these considerations are not applicable. Regardless, Staff is of the opinion that the proposed change of conditions would not negatively impact economic use. In fact, the greater allowance of uses would likely increase the economic value of the property.

(8) Tree Preservation: Since no development projects are being proposed as part of this zoning text amendment, these considerations are not applicable.

(9) Other Considerations: Staff feels the change of conditions is reasonable in that they are consistent with the low density commercial office and residential uses in the vicinity along Piedmont Road. These conditions would mirror those from Z-05-28 except for conditions #4 & 5 which would be combined and replaced with new condition #4 as shown below.

STAFF RECOMMENDATION: **APPROVAL**, conditioned upon the following:

1. Following the effective date of the ordinance approving zoning application Z-14-040, the Subject Property and any and all improvements constructed thereon shall be used solely and exclusively for: (i) the retail sale of specialty and antique (including actual antique and replicas thereof) rugs, tapestries, furniture and furnishings as well as jewelry, (ii) other specialty shops such as gift shops, boutiques, art galleries, (iii) two family dwellings and single family dwellings, (iv) offices (including but not limited to law, medical, dental, accounting, investment, chiropractor, finance, and other professional offices), (v) medical clinics, including but not limited to Urgent Care clinics, chiropractor or doctor clinics, including but not limited to anesthesiologists as long as they do not fall under Section 2 below, (vii) sundry shops, such as bookstores, and newsstands, not to exceed 800 square feet.
2. Drug Treatment Clinic/Drug Rehabilitation Centers/ "Pill Doctors"/ Pain Management Centers shall not be permitted, and are defined respectively, for this purpose as a business that dispense controlled substances, including, but not limited to narcotics, for the primary purpose of:
 - a. Treating drug and/or alcohol addiction; and
 - b. Chronic Pain.

This paragraph is not intended to exclude Doctors whose primary purpose of business is administering anesthesia, epidural injections, nerve blocks or other similar injections.
3. No business located at the Subject Property shall be open to the public except between 8am - 8pm Monday through Friday, and 8am – 7pm Saturday and Sunday.
4. There shall be no increase in parking from the current 24 spaces, no new or expanded curb cuts, and no new fencing or gating on the Subject Property
5. No drive thru windows shall be permitted at the Subject Property.
6. Multifamily dwellings, including any construction associated therewith, shall not be a permitted use of the property until December 31, 2021. After that date, only multi-family dwellings which conform to the restrictions set forth in zoning legislation 05-O-0861; Z-05-28 shall be considered to be a permitted use of the Property.
7. All other restrictions included as conditions in the zoning legislation 05-O-0861; Z-05-28 shall remain in full force and effect, including, but not limited to the restrictions applicable to the size and use of the Buffer Area.